

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 5122,  
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL  
YEAR 2007

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MAY 10, 2006.—Referred to the House Calendar and ordered to be printed

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Mr. COLE, from the Committee on Rules,  
submitted the following

R E P O R T

[To accompany H. Res. 811]

The Committee on Rules, having had under consideration House Resolution 811, by a vote of 8 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for further consideration of H.R. 5122, the National Defense Authorization Act For Fiscal Year 2007. The rule makes in order only those amendments printed in this report and amendments en bloc described in section 3 of the resolution.

The rule provides that amendments printed in this report shall be considered only in the order printed in this report (except as specified in section 4 of the resolution), may be offered only by a Member designated in this report, and shall be considered as read.

The rule provides that each amendment printed in this report shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment), and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against amendments printed in this report and those amendments en bloc as described in Section 3 of the resolution.

The rule authorizes the Chairman of the Committee on Armed Services, or his designee, to offer amendments en bloc consisting of amendments printed in the Rules Committee report not earlier dis-

posed of, which shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees, and shall not be subject to amendment or demand for a division of the question in the House or the Committee of the Whole. The rule further provides that the original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

The rule allows the Chairman of the Committee of the Whole to recognize for consideration of any amendment printed in this report, out of the order printed, but not sooner than 30 minutes after the chairman of the Armed Services Committee or his designee announces from the floor a request to that effect.

Finally, the rule provides one motion to recommit with or without instructions.

#### EXPLANATION OF WAIVERS

The Committee is not aware of any points of order that lay against the amendments made in order in this report. The waiver of all points of order against consideration of the amendments is prophylactic in nature.

#### COMMITTEE VOTES

Pursuant to clause 3(b) of House rule XIII the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

##### *Rules Committee record vote No. 192*

Date: May 10, 2006.

Measure: H.R. 5122, the National Defense Authorization Act for Fiscal Year 2007.

Motion by: Mrs. Slaughter.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Rep. Michaud which ensures that emergency contraception is available at all military health care facilities. Emergency contraception is currently included in the Uniform Formulary, a list of drugs that may be included at military health care facilities. The amendment would include emergency contraception on the Basic Core Formulary, a list of drugs that must be included at all military health care facilities.

Results: Defeated 4 to 7.

Vote by Members: Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Putnam—Nay; Cole—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

##### *Rules Committee record vote No. 193*

Date: May 10, 2006.

Measure: H.R. 5122, the National Defense Authorization Act for Fiscal Year 2007.

Motion by: Mrs. Slaughter.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Rep. Skelton which seeks to reduce co-pays for military families from the proposed \$6

cost shares of \$3 and \$9, respectively. Military beneficiaries would be eligible for a refund of the difference between \$3 and \$6, and \$9 and \$16. The Secretary of Defense is required to establish regulations to provide for such refund by October 1, 2006, and the refund will program will be effective for fiscal year 2007. Authorizes \$290 million for this program.

Results: Defeated 4 to 7.

Vote by Members: Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Putnam—Nay; Cole—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

*Rules Committee record vote No. 194*

Date: May 10, 2006.

Measure: H.R. 5122, the National Defense Authorization Act for Fiscal Year 2007.

Motion by: Mr. McGovern.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Rep. Markey which prohibits funds authorized under this bill to be used for transferring or rendering persons being held or in the custody of the Department of Defense or any agency or official of the Department to a country where: (1) torture or cruel, inhuman, or degrading treatment are commonly used; (2) the person is likely to be transferred to another country which is likely to torture them or subject them to other forms of cruel or inhuman treatment. Generally restricts the use or reliance or diplomatic assurances as the basis for such renditions, transfers, or returns of persons to such countries.

Results: Defeated 4 to 8.

Vote by Members: Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Putnam—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

*Rules Committee record vote No. 195*

Date: May 10, 2006.

Measure: H.R. 5122, the National Defense Authorization Act for Fiscal Year 2007.

Motion by: Mr. McGovern.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Rep. Tierney which establishes a select committee to study, among other things, the bidding, contracting, and auditing standards in the issuance of government contracts to conduct activities in Afghanistan and Iraq; the oversight procedures and forms of payment and safeguards against money laundering; the accountability of contractors and government officials involved in procurement; and the allocation of contracts to foreign companies and small businesses.

Results: Defeated 4 to 8.

Vote by Members: Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Putnam—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

*Rules Committee record vote No. 196*

Date: May 10, 2006.

Measure: H.R. 5122, the National Defense Authorization Act for Fiscal Year 2007.

Motion by: Mr. McGovern.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Rep. McGovern which offers H.R. 1217, the Latin America Training Review Act, as an amendment to H.R. 5122. The amendment would suspend operations of the Western Hemisphere Institute for Security Cooperation for the period while: (1) a bipartisan joint congressional task force assesses the education and training needs appropriate for the DOD to provide to military personnel from Latin American nations; and (2) an independent commission investigates activities at the former U.S. Army's School of the Americas and the Western Hemisphere Institute for Security Cooperation that may have violated international law or U.S. law.

Results: Defeated 4 to 8.

Vote by Members: Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Putnam—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

*Rules Committee record vote No. 197*

Date: May 10, 2006.

Measure: H.R. 5122, the National Defense Authorization Act for Fiscal Year 2007.

Motion by: Mr. Hastings of Florida.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Rep. Israel which adds \$30 million to U.S. nonproliferation efforts, to be offset by \$30 million from the third site missile interceptors of the Missile Defense Agency. Also expresses the Sense of Congress that the security of potential weapons of mass destruction should be at the top of the national security agenda.

Results: Defeated 4 to 7.

Vote by Members: Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Putnam—Nay; Cole—Nay; Bishop—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

*Rules Committee record vote No. 198*

Date: May 10, 2006.

Measure: H.R. 5122, the National Defense Authorization Act for Fiscal Year 2007.

Motion by: Ms. Matsui.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Rep. Hoyer which boosts alternative energy and advanced power technology programs at the Department of Defense, establishes an Advanced Research Projects Agency—Energy (ARPA-E) within the U.S. Department of Energy modeled after the Department of Defense's Defense Advanced Research Projects Agency, and requires the Secretary of Defense report to Congress on the strategic implications to the nation's national and energy security of the nation's increasing reli-

ance on foreign energy supplies, esp. those from increasingly unstable regions of the world. Would require the Secretary to report on the deployment of flex-fueled and alternatively fueled vehicles across all department services so as to prioritize the installation of alternative fuels infrastructure and maximize the use of alternative fuels in vehicles purchased to meet the agency's fleet requirements under EPACT. Funds to authorize these projects would come from redirection of excess missile defense program funds.

Results: Defeated 4 to 7.

Vote by Members: Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Putnam—Nay; Cole—Nay; Bishop—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

*Rules Committee record vote No. 199*

Date: May 10, 2006.

Measure: H.R. 5122, the National Defense Authorization Act for Fiscal Year 2007.

Motion by: Ms. Matsui.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Rep. Capps which strikes subsection (c) of Sec. 1036. Subsection (c) prohibits the National Park Service from carrying out a 1997 court-ordered settlement agreement that requires the shutdown of a private trophy hunting operation on Santa Rosa Island, which is part of the Channel Islands National Park. The hunting operation currently closes virtually the entire island for up to five months a year, reducing public accessibility and the value of the Park. The settlement agreement also requires the removal of non-native deer and elk from the island to ensure protection of Santa Rosa's critical natural resources, including several federally listed endangered species.

Results: Defeated 4 to 8.

Vote by Members: Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Putnam—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

*Rules Committee record vote No. 200*

Date: May 10, 2006.

Measure: H.R. 5122, the National Defense Authorization Act for Fiscal Year 2007.

Motion by: Mr. Lincoln Diaz-Balart.

Summary of motion: To report the rule.

Results: Agreed to 8 to 4.

Vote by Members: Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Putnam—Yea; Cole—Yea; Bishop—Yea; Gingrey—Yea; Slaughter—Nay; McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Dreier—Yea.

SUMMARY OF AMENDMENTS MADE IN ORDER

(Summaries derived from information provided by sponsors.)

1. Baca (CA): Requires DoD to study the scope of perchlorate contamination at Formerly Utilized Defense Sites (FUDS). (10 minutes)

2. Castle (DE): Implements GAO's recommendations to cut-down on award and incentive fee spending waste by requiring the Department to develop a strategy for linking incentives to specific outcomes, such as meeting cost, schedule, and capability goals. Establishes guidance for improving the effectiveness of award and incentive fees and ensures that appropriate approving officials are overseeing these decisions. The Department would be required to report to Congress on the status and effectiveness of these new standards. (10 minutes)

3. Chabot (OH): Expresses the Sense of Congress that the spouses of Armed Forces members who have died between October 7, 2001 and November 23, 2003 should be permitted to have the option of assigning their SBP payments to their children. (10 minutes)

4. Davis, Tom (VA): Authorizes the Army to negotiate a "design build" to complete the Fairfax County Parkway. As a result of the construction mandated by BRAC on the Engineering Proving Ground (EPG), it would authorize the Army to enter into a special agreement with the State of Virginia. This agreement would authorize the State of Virginia to fund certain projects on the EPG while allowing the Army to maintain control of such projects. (10 minutes)

5. Davis, Tom (VA): The Defense Access Road (DAR) program currently allows DoD to pay for road projects made necessary by DoD actions. This amendment would allow DoD to consider transit projects as part of DAR as well. (10 minutes)

6. Dent (PA): Amends Title XIV to ensure that the Departments of Defense and Homeland Security work together as a part of a Homeland Defense-Homeland Security Technology Transfer Consortium to accelerate the transfer of viable DoD technologies to enhance the homeland security capabilities of Federal, State, and local first responders. (10 minutes)

7. Gohmert (TX): Expresses the sense of Congress that the Secretary of the Army should consider conveying the U.S. Army Reserve Center in Marshall, Texas to the Marshall-Harrison County Veterans Association for the purpose of erecting a veterans memorial, creating a park, and converting the present building to veterans museum to recognize and honor the accomplishments of our Armed Forces. (10 minutes)

8. Goode (VA): Authorizes the Secretary of Defense to assign members of the Army, Navy, Air Force, and Marine Corps, under certain circumstances and subject to certain conditions, to assist the Department of Homeland Security (upon its request) in the performance of border protection functions. (10 minutes)

9. Hooley (OR)/DeFazio (OR)/Wu (OR)/Blumenauer (OR): Authorizes the Army and the National Guard Bureau to contract with a United States contractor to perform the RESET of the CH-47 helicopters assigned to the Nevada and Oregon National Guard in order to reduce the non-operational rate of their CH-47 fleet. (10 minutes)

10. Hostettler (IN): Authorizes the Secretary of Defense to prescribe regulations under which the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict may award a fellowship to eligible persons. (10 minutes)

11. Jindal (LA): Requires the Secretary of Defense, in coordination with the Secretary of Homeland Security and State governments to develop detailed operational plans regarding the use of the Armed Forces to support activities of civil authorities, known as Defense Support to Civil Authorities missions. (10 minutes)

12. Lewis (KY): Would provide that no more than 20% of a uniformed service member's paycheck can be garnished in a single pay period to recover overpayments that have occurred through no fault of the service member. Would also provide a 90-day grace period before overpayment recovery can begin from service members who are wounded or injured, or who incur an illness, in a combat operation or combat zone. (10 minutes)

13. McDermott (WA)/Shays (CT): Directs the Secretary of Defense, in consultation with the Secretary of Veterans Affairs and the Secretary of Health and Human Services, to conduct a comprehensive study of the health effects of exposure to depleted uranium munitions. (10 minutes)

14. Mica (FL): Expresses the sense of Congress that the Department of Defense should provide compensation to American veterans who were captured while in service to the United States Armed Forces on the peninsula of Bataan or the island of Corregidor, survived the Bataan Death March during World War II, and have not received previous compensation provided to other prisoners of war. (10 minutes)

15. Millender-McDonald (CA): Calls for the Secretary of Defense to include as part of the 2006 update to the Mobility Capability Study a comprehensive analysis of future airlift and sealift mobility requirements. The study will examine both the strategic and intra-theater mobility requirements with full consideration of all aspects of the National Security Strategy, and will analyze low, medium, and high risk alternatives. The new analysis must be delivered to Congress by February 1, 2007. (10 minutes)

16. Rohrabacher (CA): Establishes a Center for Entrepreneurial Space Access within the Air Force Research Laboratory's Air Vehicles Directorate to ensure cooperation between DoD and the U.S. entrepreneurial space transportation industry to develop increased capability in the operationally responsive space area in a competitive environment. (10 minutes)

17. Ryan (OH): Authorizes \$5 million for the High Altitude Airship (HAA) Program. The HAA is designed to be an uninhabited, long-endurance, platform for carrying forward based sensors and a wide range of other BMD payloads that will enable continuous over-horizon communication. The HAA will also provide wide area surveillance and protection without interruption or the risk associated with manned aircraft. Offsets \$5 million from the Space Based Space Surveillance (SBSS). (10 minutes)

18. Schakowsky (IL): Provides for additional oversight and accountability of Department of Defense contractors deployed in Iraq and Afghanistan. It would make retroactive DOD regulations for contractors issued in October 2005, on previously issued contracts, upon any option extension. It would implement a policy for conducting comprehensive background checks on foreign nationals hired by contractors operating outside the United States. It would also require a DOD Inspector General report on contractor overcharges, and require that there are sufficient contracting officers

assigned to oversee and monitor contracts in Iraq and Afghanistan. (10 minutes)

19. Schiff (CA): Directs the Secretary of Defense to submit to Congress a series of regular reports on the threat to American personnel posed by Improvised Explosive Devices (IEDs), as well as action being taken to interdict IEDs and to develop more effective active and passive countermeasures. First report would be due 30 days after enactment, with subsequent reports every 90 days thereafter. Reports would be unclassified, with a classified annex if necessary. (10 minutes)

20. Slaughter (NY): Requires the Department of Defense to include the number of disciplinary actions as part of the annual report on sexual assault in the military. (10 minutes)

21. Taylor (MS): Requires the Department of Defense to equip 100% of U.S. military vehicles operated in Iraq and Afghanistan outside of military compounds with IED jammers by the end of FY07. Funding would be authorized from funds contained in title XV (bridge fund). Requires the Department of Defense to submit a report to the Congressional defense committees no later than December 15, 2006 with the plan and cost to achieve this. (10 minutes)

22. Tierney (MA)/Holt (NJ): Restructures the missile defense program to be consistent with a Congressional Budget Office (CBO) alternative proposal. Prohibits the deployment of: (1) Ground-Based Midcourse Defense beyond the authorized systems; and (2) any space-based interceptors; and reduces the Missile Defense Agency's (MDA's) \$9.3 billion budget by \$4.747 billion so as to still enable the MDA to focus on research and development as well as testing and upgrades to current systems. (10 minutes)

23. Weldon (PA): Expresses the sense of the Congress that the United States should cooperate with Russia on missile defense. Cites two specific examples of possible avenues of cooperation: (1) testing specific elements of the Missile Defense Agency's detection and tracking equipment through the use of Russian target missiles; and (2) providing early warning radar to the Missile Defense Agency by using Russian radar data. (10 minutes)

#### TEXT OF AMENDMENTS MADE IN ORDER

##### 1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BACA OF CALIFORNIA, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title III (page 67, after line 8), add the following new section:

##### **SEC. 316. REPORT REGARDING SCOPE OF PERCHLORATE CONTAMINATION AT FORMERLY USED DEFENSE SITES.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of a study of the scope of perchlorate contamination at Formerly Used Defense Sites. As part of the report, the Secretary shall identify the military installations or contractors that may have stored perchlorate or products containing perchlorate.



2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CASTLE OF DELAWARE, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title VIII (page 295, after line 20), insert the following new section:

**SEC. 815. AWARD AND INCENTIVE FEE CONTRACT STANDARDS.**

(a) **REQUIREMENT TO DEVELOP AND ISSUE STANDARDS.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall develop and issue—

(1) standards that link award and incentive fees to desired program outcomes, such as meeting cost, schedule, and capability goals;

(2) standards that identify the appropriate approving official level involved in awarding new contracts utilizing award and incentive fees;

(3) guidance on when the use of rollover is appropriate in terms of new contracts utilizing award and incentive fees;

(4) performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes; and

(5) guidance for the development of a mechanism to capture award and incentive fee data and to share proven award and incentive fee strategies with appropriate contracting and program officials at the Department of Defense.

(b) **DEFINITION.**—In this section, the term “rollover” means the process of moving unearned available award and incentive fees from one evaluation period to a subsequent evaluation period, thereby providing the contractor with an additional opportunity to earn that previously unearned award or incentive fee.

(c) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status and effectiveness of developing the standards required under subsection (a) for award and incentive fee contracts.

(d) **SENSE OF CONGRESS.**—It is the sense of Congress that award and incentive fees should be used to motivate excellent contractor performance and that such fees should not be awarded for below-satisfactory performance.

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CHABOT OF OHIO, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title VI (page 229, after line 16), insert the following new section:

**SEC. 644. SENSE OF CONGRESS CONCERNING ELIGIBILITY OF CERTAIN ADDITIONAL DEPENDENT CHILDREN FOR ANNUITIES UNDER MILITARY SURVIVOR BENEFIT PLAN.**

It is the sense of Congress that eligibility for a surviving child annuity in lieu of a surviving spouse annuity under the military Survivor Benefit Plan for a child of a member of the Armed Forces dying while on active duty should be extended so as to cover children of members dying after October 7, 2001 (the beginning of Operation Enduring Freedom), rather than only children of members dying after November 23, 2003.

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TOM DAVIS OF VIRGINIA, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title XXVIII (page 499, after line 15), add the following new section:

**SEC. 2826. DEFENSE ACCESS ROAD PROGRAM.**

Section 2837 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3522) is amended—

(1) in subsection (a), by inserting “and transit systems” after “that roads”; and

(2) in subsection (b)—

(A) by striking “and” at the end of paragraph (1); and

(B) by striking paragraph (2) and inserting the following new paragraphs:

“(2) to determine whether the existing surface transportation infrastructure, including roads and transit at each installation identified under paragraph (1) is adequate to support the increased traffic associated with the increase in the number of defense personnel described in that paragraph; and

“(3) to determine whether the defense access road program adequately considers the complete range of surface transportation options, including roads and other means of transit, necessary to support the national defense.”.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TOM DAVIS OF VIRGINIA, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title XXVIII (page 504, after line 7), add the following new section:

**SEC. 2844. MODIFICATIONS TO LAND CONVEYANCE AUTHORITY, ENGINEERING PROVING GROUND, FORT BELVOIR, VIRGINIA.**

(a) CONSTRUCTION OF SECURITY BARRIER.—Section 2836 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1314), as amended by section 2846 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3527), is further amended—

(1) in subsection (b)(4), by striking “\$3,880,000” and inserting “\$4,880,000”; and

(2) in subsection (d)—

(A) in paragraph (1), by inserting after “Virginia,” the following: “and the construction of a security barrier, as applicable,”; and

(B) in paragraph (2), by inserting after “Building 191” the following: “and the construction of a security barrier, as applicable”.

(b) AUTHORITY TO ENTER INTO ALTERNATIVE AGREEMENT FOR DESIGN AND CONSTRUCTION OF FAIRFAX COUNTY PARKWAY PORTION.—Such section 2836 is further amended—

(1) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

“(1) except as provided in subsection (f), design and construct, at its expense and for public benefit, the portion of the

Fairfax County Parkway through the Engineer Proving Ground (in this section referred to as the 'Parkway portion');"; and

(B) in paragraph (2), by inserting after "C514" the following: ", RW-214 (in this section referred to as 'Parkway project')";

(2) by redesignating subsection (f) as subsection (g);

(3) by inserting after subsection (e) the following new subsection:

"(f) ALTERNATE AGREEMENT FOR CONSTRUCTION OF ROAD.—(1) The Secretary of the Army may, in connection with the conveyance authorized under subsection (a), enter into an agreement with the Commonwealth providing for the design and construction by the Department of the Army or the United States Department of Transportation of the Parkway portion and other portions of the Fairfax County Parkway off the Engineer Proving Ground that are necessary to complete the Parkway project (in this subsection referred to as the 'alternate agreement') if the Secretary determines that the alternate agreement is in the best interests of the United States to support the permanent relocation of additional military and civilian personnel at Fort Belvoir pursuant to decisions made as part of the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

"(2) If the Secretary of Defense certifies that the Parkway portion is important to the national defense pursuant to section 210 of title 23, United States Code, the Secretary of the Army may enter into an agreement with the Secretary of Transportation to carry out the alternate agreement under the Defense Access Road Program.

"(3) The Commonwealth shall pay to the Secretary of the Army the costs of the design and construction of the Parkway portion and any other portions of the Fairfax County Parkway off the Engineer Proving Ground designed and constructed under the alternate agreement. The Secretary shall apply such payment to the design and construction provided for in the alternate agreement.

"(4) Using the authorities available to the Secretary under chapter 160 of title 10, United States Code, and funds deposited in the Environmental Restoration Account, Army, established by section 2703(a) of such title and appropriated for this purpose, the Secretary may carry out environmental restoration activities on real property under the jurisdiction of the Secretary in support of the construction of the Parkway portion.

"(5) The alternate agreement shall be subject to the following conditions:

"(A) The Commonwealth shall acquire and retain all necessary right, title, and interest in any real property not under the jurisdiction of the Secretary that is necessary for construction of the Parkway portion or for construction of any other portions of the Fairfax County Parkway off the Engineer Proving Ground that will be constructed under the alternate agreement, and shall grant to the United States all necessary access to and use of such property for such construction.

"(B) The Secretary shall receive consideration from the Commonwealth as required in subsections (b)(2), (b)(3), and (b)(4) and shall carry out the acceptance and disposition of funds in accordance with subsection (d).

“(6) The design of the Parkway portion under the alternate agreement shall be subject to the approval of the Secretary and the Commonwealth in accordance with the Virginia Department of Transportation Approved Plan, dated June 15, 2004, Project #R000-029-249, PE-108, C-514, RW-214. For each phase of the design and construction of the Parkway portion under the alternate agreement, the Secretary may—

“(A) accept funds from the Commonwealth; or

“(B) transfer funds received from the Commonwealth to the United States Department of Transportation.

“(7) Upon completion of the construction of the Parkway portion and any other portions of the Fairfax County Parkway off the Engineer Proving Ground required under the alternate agreement, the Secretary shall carry out the conveyance under subsection (a). As a condition of such conveyance carried out under the alternate agreement, the Secretary shall receive a written commitment, in a form satisfactory to the Secretary, that the Commonwealth agrees to accept all responsibility for the costs of operation and maintenance of the Parkway portion upon conveyance to the Commonwealth of such real property.”; and

(4) in subsection (g), as redesignated by paragraph (2), by inserting “or the alternate agreement authorized under subsection (f)” after “conveyance under subsection (a)”.

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6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DENT OF PENNSYLVANIA, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES

Page 427, line 14, insert “, in coordination with the Secretary of Homeland Security,” after “Secretary of Defense”.

Page 427, line 15, insert “-Homeland Security” after “Homeland Defense”.

Page 427, line 21, insert “-Homeland Security” after “Homeland Defense”.

Page 427, after line 24, insert the following new paragraph (2) (and redesignate existing paragraphs accordingly):

(2) the Department of Homeland Security;

Page 428, line 7, insert “-Homeland Security” after “Defense”.

Page 428, line 19, insert “and the Department of Homeland Security” after “Defense”.

Page 429, line 1, insert “and the Secretary of Homeland Security” after “Defense”.

Page 429, line 13, insert “and in coordination with the Secretary of Homeland Security” after “Defense”.

Page 429, line 22, insert “-Homeland Security” after “Homeland Defense”.

Page 430, line 10, insert “or the Department of Homeland Security” after “Defense”.

Page 431, line 4, insert “, in coordination with the Secretary of Homeland Security,” after “Secretary of Defense”.

Page 431, line 11, insert “-Homeland Security” after “Homeland Defense”.

Page 431, line 18, insert “-Homeland Security” after “Homeland Defense”

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7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GOHMERT OF TEXAS, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title XXVIII (page 504, after line 7), add the following new section:

**SEC. 2844. SENSE OF CONGRESS REGARDING LAND CONVEYANCE INVOLVING ARMY RESERVE CENTER, MARSHALL, TEXAS.**

It is the sense of Congress that the Secretary of the Army should consider the feasibility of conveying the Army Reserve Center at 1209 Pinecrest Drive East in Marshall, Texas, to the Marshall-Harrison County Veterans Association for the purpose of assisting the efforts of the Association in erecting a veterans memorial, creating a park, and establishing a museum recognizing and honoring the sacrifices and accomplishments of veterans of the Armed Forces.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GOODE OF VIRGINIA, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title X (page \_\_\_\_, after line \_\_\_\_), add the following new section:

**SEC. 1026. ASSIGNMENT OF MEMBERS OF THE ARMED FORCES TO ASSIST BUREAU OF CUSTOMS AND BORDER PROTECTION AND UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT.**

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

**“§ 374a. Assignment of members to assist border patrol and control**

“(a) ASSIGNMENT AUTHORIZED.—Upon submission of a request consistent with subsection (b), the Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to assist the Bureau of Customs and Border Protection and the United States Immigration and Customs Enforcement of the Department of Homeland Security—

“(1) in preventing the entry of terrorists, drug traffickers, and illegal aliens into the United States; and

“(2) in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, components of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

“(b) REQUEST FOR ASSIGNMENT.—The assignment of members under subsection (a) may occur only if—

“(1) the assignment is at the request of the Secretary of Homeland Security; and

“(2) the request is accompanied by a certification by the Secretary of Homeland Security that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists, drug traffickers, or illegal aliens.

“(c) TRAINING PROGRAM REQUIRED.—The Secretary of Homeland Security and the Secretary of Defense, shall establish a training program to ensure that members receive general instruction re-

garding issues affecting law enforcement in the border areas in which the members may perform duties under an assignment under subsection (a). A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

“(d) CONDITIONS OF USE.—(1) Whenever a member who is assigned under subsection (a) to assist the Bureau of Customs and Border Protection or the United States Immigration and Customs Enforcement is performing duties pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

“(2) Nothing in this section shall be construed to—

“(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

“(B) supersede section 1385 of title 18 (popularly known as the ‘Posse Comitatus Act’).

“(e) ESTABLISHMENT OF ONGOING JOINT TASK FORCES.—(1) The Secretary of Homeland Security may establish ongoing joint task forces if the Secretary of Homeland Security determines that the joint task force, and the assignment of members to the joint task force, is necessary to respond to a threat to national security posed by the entry into the United States of terrorists, drug traffickers, or illegal aliens.

“(2) If established, the joint task force shall fully comply with the standards as set forth in this section.

“(f) NOTIFICATION REQUIREMENTS.—The Secretary of Homeland Security shall provide to the Governor of the State in which members are to be deployed pursuant to an assignment under subsection (a) and to local governments in the deployment area notification of the deployment of the members to assist the Department of Homeland Security under this section and the types of tasks to be performed by the members.

“(g) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members assigned under subsection (a).”.

(b) COMMENCEMENT OF TRAINING PROGRAM.—The training program required by subsection (c) of section 374a of title 10, United States Code, shall be established as soon as practicable after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

“374a. Assignment of members to assist border patrol and control”.

#### 9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOOLEY OF OREGON, OR HER DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title III (page 70, after line 16), add the following new section:

#### **SEC. 324. ARMY NATIONAL GUARD AUTHORITY TO CONTRACT AND MANAGE CH-47 HELICOPTER RESET.**

The Army and the National Guard Bureau are authorized to contract with a United States contractor to perform the RESET of the CH-47 helicopters assigned to the Nevada and Oregon National Guard in order to reduce the non-operational rate of their CH-47

fleet. Costs, completion time, and maintenance capabilities shall be the major considerations in the process used by the Army and National Guard Bureau in selecting the contractor to perform the RESET activity.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOSTETTLER OF INDIANA, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title V (page 126, after line 12), insert the following new section:

**SEC. \_\_\_\_ . SPECIAL OPERATIONS FELLOWSHIPS.**

(a) FELLOWSHIPS.—The Secretary of Defense shall prescribe regulations under which the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict may award a fellowship to an eligible person, as described in subsection (b), in a discipline determined by the Assistant Secretary. The authority to award any amount of funds to any person as a fellowship under this section is subject to the availability of funds for that purpose.

(b) ELIGIBLE PERSON.—A person eligible for a fellowship under this section is a citizen or national of the United States who is enrolled in or is eligible to enroll in a program of education leading toward the completion of a masters degree or a doctoral degree.

(c) FELLOWSHIP REQUIREMENTS.—

(1) DOCTORAL DEGREE STUDENTS.—The recipient of a fellowship who is a student enrolled in a program of education leading toward the completion of a doctoral degree shall agree to prepare a doctoral dissertation in a subject area with military relevance that is approved by the Assistant Secretary.

(2) MASTERS DEGREE STUDENTS.—The recipient of a fellowship who is a student enrolled in a program of education leading toward the completion of a masters degree shall agree to concentrate the masters degree on a subject area with military relevance that is approved by the Assistant Secretary.

(d) REGULATIONS.—The regulations required to be prescribed under this section shall include each of the following:

(1) The criteria for the award of fellowships under this section.

(2) The procedure for selecting recipients of such fellowships.

(3) The basis for determining the amount a fellowship recipient will receive.

(4) The total amount that may be used to award fellowships during an academic year.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JINDAL OF LOUISIANA, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES

At the end of title X (page 393, after line 23), add the following new section:

**SEC. 1041. DEPARTMENT OF DEFENSE OPERATIONAL PLANS FOR ARMED FORCES SUPPORT FOR CIVIL AUTHORITIES.**

The Secretary of Defense, in coordination with the Secretary of Homeland Security and State governments, shall develop detailed operational plans regarding the use of the Armed Forces to support

activities of civil authorities, known as Defense Support to Civil Authorities missions. These plans shall specifically address response options to hurricanes, wildfires, earthquakes, pandemic, and other natural disasters.

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12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LEWIS OF KENTUCKY, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES

At the end of title VI (page 237, after line 8), add the following new section:

**SEC. 664. PHASED RECOVERY OF OVERPAYMENTS OF PAY MADE TO MEMBERS OF THE UNIFORMED SERVICES.**

(a) PHASE RECOVERY REQUIRED; MAXIMUM MONTHLY INSTALLMENT.—Subsection (c) of section 1007 of title 37, United States Code, is amended by adding at the end the following new paragraph:

“(3) If the indebtedness of a member of the uniformed services to the United States is due to the overpayment of pay or allowances to the member through no fault of the member, the amount of the overpayment shall be recovered in monthly installments. The amount deducted from the pay of the member for a month to recover the overpayment amount may not exceed 20 percent of the member’s pay for that month.”.

(b) RECOVERY DELAY FOR INJURED MEMBERS.—Such subsection is further amended by inserting after paragraph (3), as added by subsection (a), the following new paragraph:

“(4) If a member of the uniformed services is injured or wounded under the circumstances described in section 310(a)(2)(C) of this title or, while in the line of duty, incurs a wound, injury, or illness in a combat operation or combat zone designated by the Secretary of Defense, any overpayment of pay or allowances made to the member while the member recovers from the wound, injury, or illness may not be deducted from the member’s pay until after the end of the 90-day period beginning on the date on which the member is notified of the overpayment.”.

(c) CONFORMING AMENDMENTS.—Such subsection is further amended—

- (1) by inserting “(1)” before “Under regulations”;
- (2) by striking “his pay” both places it appears and inserting “the member’s pay”;
- (3) by striking “However, after” and inserting the following: “(2) After”; and
- (4) by inserting “by a member of the uniformed services” after “actually received”.

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13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCDERMOTT OF WASHINGTON, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title VII (page 268, after line 9), add the following new section:



**SEC. 716. STUDY OF HEALTH EFFECTS OF EXPOSURE TO DEPLETED URANIUM.**

(a) **STUDY.**—The Secretary of Defense, in consultation with the Secretary for Veterans Affairs and the Secretary of Health and Human Services, shall conduct a comprehensive study of the health effects of exposure to depleted uranium munitions on uranium-exposed soldiers and on children of uranium-exposed soldiers who were born after the exposure of the uranium-exposed soldiers to depleted uranium.

(b) **URANIUM-EXPOSED SOLDIERS.**—In this section, the term “uranium-exposed soldiers” means a member or former member of the Armed Forces who handled, came in contact with, or had the likelihood of contact with depleted uranium munitions while on active duty, including members and former members who—

(1) were exposed to smoke from fires resulting from the burning of vehicles containing depleted uranium munitions or fires at depots at which depleted uranium munitions were stored;

(2) worked within environments containing depleted uranium dust or residues from depleted uranium munitions;

(3) were within a structure or vehicle while it was struck by a depleted uranium munition;

(4) climbed on or entered equipment or structures struck by a depleted uranium munition; or

(5) were medical personnel who provided initial treatment to members of the Armed Forces described in paragraph (1), (2), (3), or (4).

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**14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MICA OF FLORIDA, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES**

At the end of title VI (page 237, after line 8), insert the following new section:

**SEC. 6 \_\_\_\_ . SENSE OF CONGRESS CALLING FOR PAYMENT TO WORLD WAR II VETERANS WHO SURVIVED BATAAN DEATH MARCH.**

(a) **IN GENERAL.**—It is the sense of Congress that—

(1) there should be paid to each living Bataan Death March survivor an amount that is \$4 for each day of captivity during World War II, compounded annually at a 3 percent annual rate of interest; and

(2) in the case of a Bataan Death March survivor who is deceased and who has an unremarried surviving spouse, such a payment should be made to that surviving spouse.

(b) **BATAAN DEATH MARCH SURVIVOR.**—In this section, the term “Bataan Death March survivor” means an individual who as a member of the Armed Forces during World War II was captured on the peninsula of Bataan or island of Corregidor in the territory of the Philippines by Japanese forces and participated in and survived the Bataan Death March.

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15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
MILLENDER-MCDONALD OF CALIFORNIA, OR HER DESIGNEE, TO  
BE DEBATABLE FOR 10 MINUTES

At the end of title X (page 393, after line 23), insert the following new section:

**SEC. \_\_\_\_ . DETERMINATION OF DEPARTMENT OF DEFENSE  
INTRATHEATER AND INTERTHEATER AIRLIFT AND SEA-  
LIFT MOBILITY REQUIREMENTS.**

(a) DETERMINATION OF REQUIREMENTS.—The Secretary of Defense, as part of the 2006 Mobility Capabilities Study, shall determine Department of Defense mobility requirements as follows:

(1) The Secretary shall determine intratheater and intertheater airlift mobility requirements and intratheater and intertheater sealift mobility requirements (all stated in terms of million ton miles per day) for executing each scenario that was modeled in the 2005 Mobility Capabilities Study and each scenario that is modeled in the 2006 Mobility Capabilities Study.

(2) The Secretary shall determine intratheater and intertheater airlift mobility requirements and intratheater and intertheater sealift mobility requirements (all stated in terms of million ton miles per day) for executing the National Military Strategy with a low acceptable level of risk, with a medium acceptable level of risk, and with a high acceptable level of risk, for each of the following:

- (A) Major combat operations.
- (B) The Global War on Terrorism.
- (C) Baseline security posture operations.
- (D) Homeland defense and civil support operations.
- (E) Special operations missions.
- (F) Global strike missions.
- (G) Strategic nuclear missions.

(b) REPORT.—Not later than February 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report providing the mobility requirements determined pursuant to subsection (a). The report shall set forth each mobility requirement specified in paragraph (1) or (2) of that subsection.

(c) MOBILITY CAPABILITIES STUDIES.—For purposes of this section:

(1) The term “2006 Mobility Capabilities Study” means the studies conducted by the Secretary of Defense and the Joint Staff during 2006 as a follow-on to the 2005 Mobility Capabilities Study.

(2) The term “2005 Mobility Capabilities Study” means the comprehensive Mobility Capabilities Study completed in December 2005 and conducted through the Office of Program Analysis and Evaluation of the Department of Defense to assess mobility needs for all aspects of the National Defense Strategy.

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16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROHR-  
ABACHER OF CALIFORNIA, OR HIS DESIGNEE, TO BE DEBATABLE  
FOR 10 MINUTES

At the end of title II (page 54, after line 3) add the following:

**SEC. 2 \_\_\_\_ . AIR FORCE RESEARCH LABORATORY CENTER FOR ENTREPRENEURIAL SPACE ACCESS.**

(a) **FINDINGS.**—The Congress finds as follows:

(1) The Department of Defense is making important new investments in Operationally Responsive Space access, which will supplement existing space transportation systems of the Department and enable transformative new capabilities.

(2) At the same time, the entrepreneurial space transportation industry in the United States is investing significant private capital to develop highly operable, affordable, and reusable suborbital and orbital launch vehicles to transport people and small payloads into or through space.

(3) There is substantial overlap between the technologies and capabilities being developed for commercial purposes and those being pursued by the Department, and considerable efficiencies and acceleration of Operationally Responsive Space access could be realized if the Department coordinates its efforts with this industrial progress.

(b) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The Secretary of the Air Force shall establish a Center for Entrepreneurial Space Access within the Air Force Research Laboratory's Air Vehicles Directorate. The mission of the Center shall be to maximize cooperation between the Department of Defense and the entrepreneurial space transportation industry in the United States to accelerate the development of Operationally Responsive Space access technologies and capabilities.

(2) **DIRECTOR.**—The Center shall be headed by a Director, who shall be appointed by the Commander of the Air Force Research Laboratory, in consultation with the Secretary of the Air Force. The Director shall report through the Air Vehicles Directorate to the Commander of the Air Force Research Laboratory.

(c) **INITIAL STRATEGIC PLAN.**—

(1) **IN GENERAL.**—The Director shall develop, in consultation with other elements of the Department of Defense, other appropriate Federal agencies, and the private sector, a strategic three-year plan for initiating and enhancing cooperation between the Department and the entrepreneurial space transportation industry in the United States on Operationally Responsive Space access technologies and capabilities. The Director shall submit the plan to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives not later than 180 days after the date of the enactment of this Act.

(2) **CONTENT.**—The plan required by paragraph (1) shall detail the activities to which the Director proposes to assign priority when coordinating departmental and commercial efforts to develop Operationally Responsive Space access technologies and capabilities, including activities such as—

(A) seeking broad external input from the entrepreneurial space transportation industry to help target technology investments by the Air Force Research Laboratory and other elements of the Department;

(B) exchanging the technologies and expertise of the Air Force Research Laboratory with industry;

(C) funding appropriate use by industry of the personnel and infrastructure of the Air Force Research Laboratory to meet shared objectives; and

(D) utilizing the capabilities of the entrepreneurial space transportation industry in the United States in the plans of the Air Force Research Laboratory for the development, demonstration, and test of new technologies.

(3) METRICS.—The plan required by paragraph (1) shall also identify—

(A) metrics that the Director proposes to use for evaluating the effectiveness of the activities referred to in subparagraph (B); and

(B) national security and industrial “output” metrics.

(4) BUDGETARY AND OTHER SUPPORT.—The plan required by paragraph (1) shall also include a projection of budget support for the activities of the Center, including funding for the Center and its activities, and an identification of the other resources of the Air Force Research Laboratory, and of other elements of the Department, that will be aligned to support the activities of the Center.

(d) ANNUAL REPORT.—The Director shall prepare, on an annual basis, a report on the activities of the Center, and the Secretary of Defense shall include that report in the budget justification materials submitted to Congress in support of the Department of Defense budget for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), beginning with fiscal year 2009. The report shall include each of the following:

(1) The status of cooperation between the Department and the entrepreneurial space transportation industry to accelerate development of Operationally Responsive Space access technologies and capabilities, including a report on all metrics (as described in subsection (c)(3)) that are being used.

(2) An updated version of the plan required by subsection (c) for the current fiscal year, and a plan for the next fiscal year, including three-year goals. Each such plan shall take into account new technical developments and capabilities within the Department and industry, as well as newly identified Operationally Responsive Space access priorities within the Department.

(e) FUNDING.—Of the amount made available pursuant to the authorization of appropriations in section 201(3), \$5,000,000 is available for the Air Force Research Laboratory’s Aerospace Development and Demonstration program to support the Center established under this section.

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17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RYAN OF OHIO, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title II (page 50, after line 23), insert the following new section:

**SEC. 2 . HIGH ALTITUDE AIR SHIP PROGRAM.**

Within the amount provided in section 201 for Research, Development, Test, and Evaluation, Air Force—

- (1) \$5,000,000 is available for the High Altitude Air Ship Program; and
- (2) the amount provided for the Space Based Space Surveillance System is reduced by \$5,000,000.

18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHAKOWSKY OF ILLINOIS, OR HER DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title VIII (page 295, after line 20), add the following new section:

**SEC. 815. OVERSIGHT AND ACCOUNTABILITY OF CONTRACTOR PERSONNEL.**

(a) REPORT AND REQUIREMENTS RELATING TO CONTRACTS TO BE PERFORMED IN IRAQ AND AFGHANISTAN.—

(1) INSPECTOR GENERAL REPORT.—Not later than March 1, 2007, the Inspector General of the Department of Defense shall submit to Congress a report on overcharges discovered by the Inspector General under contracts entered into by the Department for work to be performed in Iraq and Afghanistan.

(2) ASSIGNMENT OF SUFFICIENT CONTRACTING OFFICERS.—The Under Secretary of Defense for Acquisition, Logistics, and Technology shall ensure that sufficient contracting officers are assigned to oversee and monitor contracts entered into by the Department of Defense for work to be performed in Iraq and Afghanistan.

(b) REQUIREMENTS RELATING TO EMPLOYEES OF DEFENSE CONTRACTORS OPERATING OUTSIDE THE UNITED STATES.—

(1) BACKGROUND CHECKS.—The Secretary of Defense shall implement a policy for conducting comprehensive background checks on foreign nationals hired by contractors (and subcontractors at any tier) of the Department of Defense operating outside the United States. The type of background check included in such policy shall be suitable for employment screening and shall, at a minimum, include a determination of whether the potential employee is on a terrorist watch list or has a criminal record. The policy shall provide for completing such background checks as quickly as possible.

(2) PROHIBITION ON HIRING CERTAIN EMPLOYEES.—A contractor (or subcontractor at any tier) of the Department of Defense operating outside the United States may not hire any person—

- (A) who has been convicted of a violent felony; or
- (B) who is determined by the Secretary of Defense to have committed acts inconsistent with the policy of the Department of Defense on human rights.

(c) REPORT AND APPLICABILITY OF DEFENSE INSTRUCTION RELATING TO CONTRACTOR PERSONNEL AUTHORIZED TO ACCOMPANY THE ARMED FORCES.—

(1) REPORT ON IMPLEMENTATION OF INSTRUCTION.—The Secretary of Defense shall submit to Congress a report on the Department of Defense instruction described in paragraph (3).

The report shall include information on the status of the implementation of the instruction, how the instruction is being enforced, and the effectiveness of the instruction.

(2) REQUIREMENT TO APPLY TO CONTRACTS.—The Department of Defense instruction described in paragraph (3) shall apply to—

(A) contracts entered into by the Department of Defense after the date of the enactment of this Act;

(B) task orders issued after the date of the enactment of this Act under contracts in existence on the date of enactment of this Act; and

(C) contracts in existence on the date of the enactment of this Act with respect to which an option to extend the contract is exercised after such date.

(3) INSTRUCTION DESCRIBED.—The instruction referred to in this subsection is Department of Defense Instruction Number 3020.14, titled “Contractor Personnel Authorized to Accompany the United States Armed Forces”.

19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHIFF OF CALIFORNIA, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES

At the end of title X (page 393, after line 23), add the following new section:

**SEC. 1041. REPORT ON DEPARTMENT OF DEFENSE RESPONSE TO THREAT POSED BY IMPROVISED EXPLOSIVE DEVICES.**

(a) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report regarding the status of the threat posed by improvised explosive devices (in the section referred to as “IEDs”) and describing efforts being undertaken to defeat this threat. Supplemental reports shall be submitted every 90 days thereafter to account for every incident involving the detonation or discovery of an IED since the previous report was submitted. Reports shall be transmitted in an unclassified manner with a classified annex, if necessary.

(b) JOINT IED DEFEAT ORGANIZATION AND RELATED OFFICES.—The reports required by subsection (a) shall provide the following information regarding the Joint IED Defeat Organization and all other offices within the Department of Defense and the military departments that are focused on countering IEDs:

(1) The number of people assigned to the Joint IED Defeat Organization and the related offices.

(2) The major locations to which personnel are assigned and organizational structure.

(3) The projected budget of the Joint IED Defeat Organization and the related offices.

(4) The level of funding required for administrative costs.

(c) EXISTING THREAT AND COUNTER MEASURES.—The reports required by subsection (a) shall include the following information regarding the threat posed by IEDs and the countermeasures employed to defeat those threats:

(1) The number of IEDs being encountered by United States and allied military personnel, including general trends in tactics and technology used by the enemy.

(2) Passive countermeasures employed and their success rates.

(3) Active countermeasures employed and their success rates.

(4) Any evidence of assistance by foreign countries or other entities not directly involved in fighting United States and allied forces in Iraq and Afghanistan.

(5) A list and summary of data collected and reports generated by the Department of Defense and the Armed Forces on counter-IED efforts in Iraq and Afghanistan and other fronts in the Global War on Terrorism.

(d) RESEARCH, DEVELOPMENT, TESTING, AND EVALUATION OF NEW COUNTERMEASURES.—The reports required by subsection (a) shall include the following information regarding research, development, testing, and evaluation of new active and passive countermeasures and impediments to those efforts:

(1) The status of any and all efforts within the Department of Defense and the Armed Forces to research, develop, test, and evaluate passive countermeasures and active countermeasures and to speed their introduction into units currently deployed overseas.

(2) Impediments to swift introduction of promising new active countermeasures.

(e) INTERDICTION EFFORTS.—To the extent not previously covered in another section of the reports required by subsection (a), the reports shall identify any and all other offices within the Department of Defense or the Armed Forces that are focused on interdicting IEDs, together with the personnel and funding requirements specified in subsection (b) and the success of such efforts. For purposes of this subsection, interdiction includes the development of intelligence regarding persons and locations involved in the manufacture or deployment of IEDs and subsequent action against those persons or locations, including efforts to prevent IED emplacement.

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20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SLAUGHTER OF NEW YORK, OR HER DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES

At the end of title V (page 193, after line 20), insert the following new section:

**SEC. 5xx. INCLUSION IN ANNUAL DEPARTMENT OF DEFENSE REPORT ON SEXUAL ASSAULTS OF INFORMATION ON RESULTS OF DISCIPLINARY ACTIONS.**

Section 577(f)(2)(B) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1927) is amended by inserting before the period at the end the following: “and the results of the disciplinary action”.

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21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TAYLOR OF MISSISSIPPI, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES

At the end of title X (page 393, after line 23), insert the following new section:

**SEC. 10 \_\_\_\_ . REQUIREMENT THAT ALL MILITARY WHEELED VEHICLES USED IN IRAQ AND AFGHANISTAN OUTSIDE OF MILITARY COMPOUNDS BE EQUIPPED WITH EFFECTIVE IMPROVISED EXPLOSIVE DEVICE (IED) JAMMERS.**

(a) **REQUIREMENT.**—The Secretary of Defense shall take such steps as necessary to ensure that by the end of fiscal year 2007 all United States military wheeled vehicles used in Iraq and Afghanistan outside of military compounds are equipped with effective Improvised Explosive Device (IED) jammers.

(b) **FUNDING.**—The Secretary shall carry out subsection (a) using funds provided pursuant to authorizations of appropriations in title XV.

(c) **REPORT.**—Not later than December 15, 2006, the Secretary of Defense shall submit to the congressional defense committees a report on the cost and timeline to complete compliance with the requirement in subsection (a) that by the end of fiscal year 2007 each vehicle described in that subsection be equipped with an effective Improvised Explosive Device jammer.

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**22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TIERNEY OF MASSACHUSETTS, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES**

At the end of subtitle C of title II (page 50, after line 23), insert the following new section:

**SEC. 223. RESTRUCTURING OF MISSILE DEFENSE PROGRAMS.**

(a) **DEPLOYMENT LIMITATIONS.**—The Secretary of Defense may not deploy—

(1) any Ground-Based Midcourse Defense systems beyond the authorized systems at Fort Greeley, Alaska, and Vandenberg Air Force Base, California; or

(2) any space-based interceptors.

(b) **BOOST-PHASE DEFENSES.**—No funds available to the Department of Defense may be obligated for deployment of any boost-phase defense system.

(c) **FUNDING REDUCTION AND PROGRAM TERMINATIONS.**—The amount provided in section 201(4) for research, development, test, and evaluation for the Defense Agencies is reduced by \$4,747,000,000, to be derived from amounts for the Missile Defense Agency as follows:

(1) \$595,000,000 from termination of the Airborne Laser program.

(2) \$500,000,000 from termination of additional AEGIS Ballistic Missile Defense activities.

(3) \$286,000,000 from termination of the Kinetic Energy Interceptor program.

(4) \$360,000,000 from termination of the Space Surveillance and Tracking System.

(5) \$56,000,000 from termination of the European Site.

(6) \$2,500,000,000 from termination of Additional Ground-Based Midcourse Deployment.

(7) \$450,000,000 from reduction of programs designated as Other MDA RDT&E Activities.

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23. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WELDON OF PENNSYLVANIA, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES

At the end of title XII (page 419, after line 7), insert the following new section:

**SEC. 12 \_\_\_\_ . SENSE OF CONGRESS CONCERNING COOPERATION WITH RUSSIA ON ISSUES PERTAINING TO MISSILE DEFENSE.**

It is the sense of Congress that—

(1) cooperation between the United States and Russia with regard to missile defense is in the interest of the United States;

(2) there does not exist strong enough engagement between the United States and Russia with respect to missile defense cooperation;

(3) the United States should explore innovative and non-traditional means of cooperation with Russia on issues pertaining to missile defense; and

(4) as part of such an effort, the Secretary of Defense should consider the possibilities for United States-Russian cooperation with respect to missile defense through—

(A) the testing of specific elements of the detection and tracking equipment of the Missile Defense Agency of the United States Department of Defense through the use of Russian target missiles; and

(B) the provision of early warning radar to the Missile Defense Agency by the use of Russian radar data.